

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Nancy Ann Cano

Case No.

25-867 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 20, 2025 in the county of Dona Ana in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §1512(k)

Conspiracy to Tamper with Evidence.

I further state that I am a Homeland Security Investigations Special Agent
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

BRIANA R VIGIL

Digitally signed by BRIANA R
VIGIL
Date: 2025.04.24 20:52:27 -06'00'

Complainant's signature

Briana Vigil-HSI Special Agent

Printed name and title

VIA PHONE.
Sworn to before me ~~and signed in my presence.~~

Date:

4/25/25

City and state:

Las Cruces, New Mexico

Judge's signature

Gregory J. Fouratt, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VS

Nancy Ann Cano

1. In January 2025, Homeland Security Investigations (HSI), Las Cruces initiated an investigation into Cristhian Ortega-Lopez (hereafter identified as Ortega). The tip alleged that Ortega, an illegal alien from Venezuela and a suspected member of a criminal gang, was residing with other illegal aliens in the United States unlawfully at an address located in Las Cruces, New Mexico (hereafter identified as Premises) and was in possession of firearms. Nancy and Jose Cano are the owners of the Premises.
2. On February 28, 2025, two residential federal search warrants were executed, with one being at the Premises, in connection with Ortega. Ortega was arrested, is currently charged with 18 USC 922(g)(5) – Illegal Alien in Possession of Firearms or Ammunition and was booked into the Doña Ana County Detention Center pending criminal proceedings. Four firearms previously seen in Ortega’s possession in photos on social media were seized from the other residence that was searched simultaneously, and three of Ortega’s cell phones were also seized from the Premises owned by the Canos.
3. On April 22, 2025, law enforcement submitted a request to the Doña Ana County Detention Center (DACDC) for recorded jail calls, messages, videos, and deposits pertaining to Ortega. On April 23, 2025, law enforcement reviewed video calls provided from DACDC in which Nancy Ortega, owner of the Premises, appeared to be in possession of what is believed to be Ortega’s fourth mobile phone in video calls.
4. Specifically, in a video call between Nancy Cano and Ortega dated March 7, 2025, Nancy Cano is seen with a black iPhone in her hand which is believed to be Ortega’s

phone based on a photo that was retrieved from a previously seized phone belonging to Ortega. Nancy Cano called an individual on WhatsApp on the black iPhone and spoke to an individual by the name of "Michelle." Nancy Cano provided Michelle her personal phone number to call so that Michelle could have a Facetime call with Ortega. Nancy did in fact receive a call on what appeared to be her personal phone, which has a gold case, from Michelle. Nancy Cano is then seen facilitating a conversation between Ortega and Michelle.

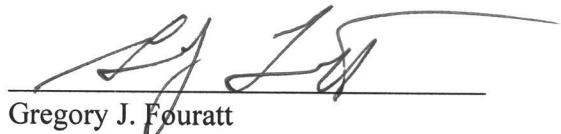
5. In an additional video call between Nancy Cano and Ortega dated April 20, 2025, Nancy Cano and Ortega discuss Ortega deleting his Facebook account. The following is a summary of the discussion between Nancy Cano and Ortega and not a verbatim record of the conversation. In the video call, Nancy Cano is heard asking Ortega if his Facebook account can be deleted. Ortega responds, "Yes, to erase?" Nancy Cano then directs Ortega to ask his attorney the next day and to provide him the information to erase his Facebook account. Ortega then responds to Nancy Cano saying he cannot remember the information, but he [his attorney] can get it. Nancy Cano responds to Ortega by saying, I don't know but ask him tomorrow. Ortega tells Nancy Cano the Facebook account was on his phone that's in her possession (the "black one,") and that she can erase it. Ortega continues to say she can erase it because it is open, apparently referring to his Facebook account. Ortega then states Nancy Cano can get into the phone, select "eliminate" and delete it. Nancy Cano tells Ortega to call the lawyer to see what he says. Ortega tells Nancy Cano that either way, he is going to talk to Michelle so she can communicate with Nancy Cano on WhatsApp so Michelle can explain to Nancy Cano how to delete Ortega's Facebook account from that phone. Nancy Cano says "ok" to Ortega. Ortega

reminds Nancy Cano that he had two phones and two Facebook accounts, and that he [Ortega's attorney] is going to have to eliminate it (meaning the other Facebook account) because the other phone is with the "federales." Nancy Cano acknowledges what Ortega says by stating "oh yes."

6. Based on the communication between Ortega and Nancy Cano regarding "Michelle" making contact with Nancy Cano to assist in the deletion of Ortega's Facebook account, law enforcement believes Nancy Cano was going to take steps to facilitate the destruction of evidence. This is because, Ortega's other phones had evidence of his illegal possession of firearms and ammunition.
7. Additionally, on February 28, 2025, the day the search warrants described above were executed and Ortega was taken into custody, agents permitted Ortega to make a phone call before being transported to DACDC. Agents provided Ortega access to the mobile devices that had been seized. Ortega stated that the phone containing the number he wished to call was not among the mobile devices available to him. Based on this interaction, law enforcement formed the belief that one of Ortega's mobile devices may not have been recovered during the execution of the search warrant.
8. The residential search warrants also authorized the forensic analysis of the cell phones seized at the residences. In addition, law enforcement asked Ortega for consent to search the cell phones belonging to him. Ortega agreed and signed the consent form. During the analysis of the phones belonging to and utilized by Ortega, messages were obtained from at least one of his Facebook accounts. The messages reflect Ortega's Tren de Aragua affiliation and photos of Ortega in possession of firearms and ammunition. The deletion of these accounts would hinder the investigation and destroy evidence pertaining to

Ortega's criminal case.

9. Nancy Cano has attended multiple court hearings for Ortega since his arrest on February 28, 2025. One of those hearings was a detention hearing at which evidence found on Ortega's social media accounts, to include Ortega's Facebook accounts, was discussed. It was apparent at that hearing that Ortega's accounts contained incriminating evidence.
10. Because this affidavit is being submitted for the purpose of establishing probable cause to believe Nancy Cano conspired to commit an offense defined in 18 U.S.C. § 1512(c)(1), in violation of 18 U.S.C. § 1512(k): Conspiracy to Tamper with Evidence, as set forth herein, I have not included each and every fact known to me concerning this investigation. I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.



Gregory J. Fouratt
United States Magistrate Judge
District of New Mexico

BRIANA R VIGIL

Digitally signed by BRIANA R
VIGIL
Date: 2025.04.24 19:31:05 -06'00'

Briana Vigil
Special Agent
Homeland Security Investigations